

SEALED

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT & ARREST WARRANT**

I, Aaron M. Lee, being first duly sworn, hereby depose and state as follows:

AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint against Theodore Miller ("MILLER") date of birth 10/XX/1989, social security number XXX-XX-6597, for violations of Title 18, United States Code, Section 1343 (wire fraud).

2. I am a Special Agent employed by the United States Department of Justice in the Federal Bureau of Investigation ("FBI"), and as such I am a "federal law enforcement officer" within the meaning of Fed. R. Crim. P. 41.

3. I have been employed as a Special Agent of the FBI since January of 2019. I am currently assigned to the FBI Charleston Resident Agency, Charleston, West Virginia. During my employment with the FBI, I have been involved in several investigations, including investigations into complex financial crimes, possession and distribution of controlled substances, and matters of national security. As part of my duties with the FBI, I investigate violations of federal law, including offenses enumerated in 18 U.S.C. § 1343. I have been the affiant on search warrants, and personally participated in the execution of search warrants and making arrests.

4. Prior to working for the FBI, I was employed as a Correctional Officer in the West Virginia Division of Corrections and Rehabilitation and the Federal Bureau of Prisons for more than three years. During my time as a Correctional Officer, I conducted searches for contraband and investigated violent crimes occurring within West Virginia prison facilities.

5. Except as noted, all the information contained in this affidavit is based upon my personal knowledge, as well as information obtained from other sources, including information from other law enforcement officers, statements made or reported by various victims and witnesses, my review of evidence, including business records, bank records, email accounts, digital media storage accounts, and other relevant documents. Because this affidavit is being submitted for a limited purpose, I have set forth only those facts necessary to establish probable cause and have not included every fact known to me in this investigation.

JURISDICTION

6. This Court has jurisdiction to issue the requested warrant because interstate transmissions and wires were sent and received within the Southern District of West Virginia. See 18 U.S.C. § 1343; Fed. R. Crim. P. 4; *United States v. Elbaz*, 52 F.4th 593, 604 (4th Cir. 2022) ("Venue is based on the location of the wire transmissions. . . . So venue is proper where wire fraud

'occurred,' including where each wire transmission was sent and where it was ultimately received.").

PROBABLE CAUSE

BACKGROUND

7. The FBI initiated this investigation on March 14, 2023, based on a complaint it received from the West Virginia Securities Commission. The West Virginia Securities Commission reported to the FBI that THEODORE "TEDDY" MILLER ("MILLER") was selling unregistered securities to the public.

Relevant Individuals, Financial Institutions, and Accounts

8. Based on information obtained from the West Virginia Department of Motor Vehicles, MILLER is a United States citizen and is a permanent resident of 4607 Normar Road, South Charleston, West Virginia 25309, which is in the Southern District of West Virginia.

9. Upon information and belief, MILLER frequently travels internationally and has remained outside the United States for much of the duration of this investigation.

10. Based on publicly available information, MILLER owns and operates numerous businesses registered in the State of West Virginia including, but not limited to, Bear Industries LLC, Prestige Worldwide Investments LLC, Bear Investments and Business Consulting, LLC, Blue Steel Modeling Agency LLC, T&C Construction

Services LLC, and Stark Industries LLC.

11. Based on publicly available information, Bear Industries LLC is a single-member limited liability company registered in the State of West Virginia. Its sole member is MILLER. Its business address is 134 Huntington Street, Saint Albans, West Virginia 25177. Bear Industries LLC is also associated with the address 1007 Bigley Avenue, Charleston, West Virginia, 25302.

12. At all relevant times, MILLER maintained bank accounts with Fifth Third Bankcorp ("Fifth Third"), which is an FDIC-insured bank headquartered in Cincinnati, Ohio, with branches throughout the Southern District of West Virginia, including Charleston, Kanawha County, West Virginia. Fifth Third is a "financial institution" as defined by 18 U.S.C. § 20.

13. In particular, MILLER maintained a bank account ending in 5311 in the name of Bear Industries LLC at Fifth Third and a bank account ending in 5154 in the name of T&C Construction LLC at Fifth Third. These bank accounts are held in Charleston, Kanawha County, West Virginia.

Direct Investments

14. MILLER solicits and obtains investments in specific real estate projects, "direct investments," through and with Bear Industries LLC.

15. For a direct investment, MILLER solicits an investment

in a specific income generating property that he will either rehabilitate or construct a structure upon. Investors are promised the return of the initial investment plus more when the construction is complete, and the project is refinanced. After, investors share in any rental income from the property.

16. MILLER advertises direct investments to his investors in social media posts and in one-on-one communications, ordinarily via e-mail and telephone.

Victim C.T.

17. In June 2022, after viewing a TikTok video of MILLER advertising a direct investment opportunity for the construction of a secure dry-storage lot located at 1017 and 1019 Bigley Avenue, in Charleston, West Virginia, victim C.T. reached out to MILLER via email to inquire about investing.

18. MILLER responded to C.T. and claimed that the project was "a great way to make a hell of a return, create passive income with the equity you retain, and start your journey to creating sustainable wealth" and included a promotional investor packet.

19. The promotional investor packet claimed that MILLER would rehabilitate a small dwelling and construct a dry-storage lot on the subject property. Construction of the dry-storage lot included clearing, leveling, and graveling the lot and installing a fence and security system. Once the project was complete, the

property would be refinanced, and C.T. would receive his initial investment back, plus an approximate 23 percent return. After, C.T. and MILLER would share in the rental income from the dwelling and dry-storage lot. The packet represented that the "conservative ROI for year 1 was just under 20% with a cashout at the end of year 1 but residual passive returns in the following years."

20. After C.T. reviewed the promotional packet, he did some of his own due diligence and discovered that the subject property was owned by Philco LLC. In a phone conversation, MILLER indicated to C.T. that he controlled Philco LLC.

21. Upon information and belief, MILLER has no ownership interest in or control over Philco LLC.

22. On June 30, 2022, C.T. signed an "Investor Agreement" and a "Partnership Agreement" to invest in the project.

23. The Investor Agreement provided that C.T. would give MILLER \$20,000 for uses related to the Bigley Avenue property. MILLER would repay C.T. and C.T.'s wife \$20,000 plus 15 percent of the refinance of the property on or before August 2, 2023. C.T.'s interest was secured by an interest in the property and the personal assets of MILLER.

24. The Partnership Agreement provided that Bear Industries LLC and C.T. and C.T.'s wife were partners in a venture to rent the dwelling and dry-storage lot property located on Bigley Avenue

in Charleston, West Virginia. Bear Industries LLC would own 85% of the equity in the partnership and C.T. and C.T.'s wife would, together, own 15% of the equity in the partnership. MILLER signed the Partnership Agreement on behalf of Bear Industries.

25. On July 5, 2022, C.T. wired \$20,000 to Bear Industries LLC's Fifth Third account ending in 5311. The wire was sent by C.T. from California. Once MILLER received the \$20,000 wire in West Virginia in the Bear Industries LLC account ending in 5311, he transferred \$4,000 of the funds to his personal bank account, paid employees, paid \$5,266.64 toward a mortgage on a different property, and transferred approximately \$9,000 to a separate bank account.

26. Upon information and belief, MILLER never owned 1017 or 1019 Bigley Avenue, Charleston, West Virginia. On July 27, 2022, MILLER entered into an owner-financing agreement to purchase the property, but MILLER became delinquent on payments by the spring of 2023 and never completed the purchase.

27. In or around November of 2022, MILLER told C.T. that the project had slipped two months but that the lot would be open in 60 days. C.T. never heard from MILLER after December 2022, despite multiple attempts to contact him. To date, C.T. has not received his investment back.

28. On June 10, 2024, C.T. drove by the property on Bigley

Avenue and noticed that the dry-storage lot had not been constructed.

CONCLUSION

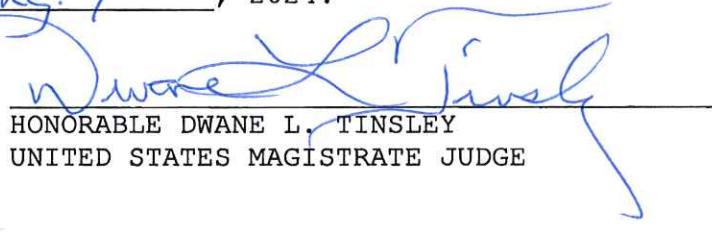
29. Based on the foregoing, there is probable cause to believe that MILLER violated Title 18, United States Code, Section 1343 (wire fraud).

Further your Affiant sayeth naught.

Respectfully submitted,


Aaron M. Lee
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me telephonically on
Aug. 9, 2024.


HONORABLE DWANE L. TINSLEY
UNITED STATES MAGISTRATE JUDGE